

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAVERNE A. MCBRYDE-O'NEAL,

Plaintiff,

-V-

TASK FORCE OFFICER DINOL POLICHETTI, *et al.*,

Defendants.

23 Civ. 10113 (JPC) (RFT)

ORDER

JOHN P. CRONAN, United States District Judge:

By Order dated January 30, 2025, the Honorable Robyn F. Tarnofsky, to whom this case has been referred for general supervision of pretrial proceedings and dispositive motions, issued a Report and Recommendation on Defendants' motion to dismiss the Amended Complaint. Dkt. 96. The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. Dkt. 96 at 47. Plaintiff has not filed any objections to the Report and Recommendation within her time to do so, and has therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga Cnty.*, 517 F.3d 601 (2d Cir. 2008).

Defendant Dino Polichetti timely filed an objection to the Report and Recommendation on February 13, 2025. Dkt. 101. Federal Rule of Civil Procedure 72(b)(2) provides that “[a] party may respond to another party’s objections within 14 days after being served with a copy.” Fed. R. Civ. P. 72(b)(2). But the docket does not reflect whether Plaintiff was served with a copy of

Defendant's objection, and therefore the Court is unable to determine the deadline for Plaintiff to respond to Defendant's objection. By February 21, 2025, Defendant shall either (1) serve Plaintiff with a copy of Defendant's objection to the Report and Recommendation and accompanying declaration, Dkts. 100-101, and file proof of service on the docket or (2) if Plaintiff has already been served with a copy of Defendant's objection, Defendant shall file proof of service on the docket.

SO ORDERED.

Dated: February 20, 2025
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written over a horizontal line.

JOHN P. CRONAN
United States District Judge